

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTABLISHMENT OF DUAL PARTY RELAY	)	
TELECOMMUNICATIONS SERVICES FOR	)	ADMINISTRATIVE
HEARING-IMPAIRED OR SPEECH-IMPAIRED	)	CASE NO. 333
PERSONS IN KENTUCKY	)	

O R D E R

This matter arising upon petition of US Sprint Communications Company Limited Partnership ("US Sprint") filed December 26, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the annual revenue requirement or bid submitted on behalf of US Sprint to provide Dual Party Relay Service ("DPRS") in Colorado, North Carolina, and Texas on the grounds that disclosure of the information is likely to cause US Sprint competitive injury, and it appearing to this Commission as follows:

Pursuant to a request by the Commission's staff, US Sprint agreed to provide, as a supplement to its witnesses' testimony, the annual revenue requirement or bid submitted on behalf of US Sprint to provide DPRS in Colorado, North Carolina, and Texas, and also the funding mechanism for DPRS in Colorado, North Carolina, and Texas. By this petition, US Sprint seeks to protect as confidential the annual revenue requirement or bid to provide such service in Colorado, North Carolina, and Texas. The information sought to be protected is not known outside of US Sprint and is not disseminated within US Sprint except to those employees who

have a legitimate business need to know and act upon the information.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

US Sprint is likely to be one of several applicants from whom the Commission will seek competitive bids to provide DPRS in Kentucky. Thus, competition exists between US Sprint and other providers of this service. Disclosure of the revenue requirement in states for which US Sprint has been awarded a DPRS contract would give such competitors information which would allow them to analyze the resources required by US Sprint to provide the service which they could use in formulating their own bids. Therefore, disclosure of the information is likely to give such competitors an unfair advantage, and the information is entitled to protection as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

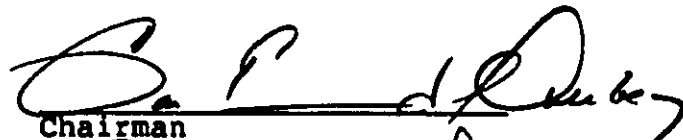
1. The information contained in the annual revenue requirement or bid submitted on behalf of US Sprint to provide DPRS in Colorado, North Carolina, and Texas, which US Sprint has

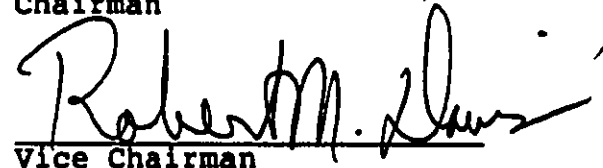
petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

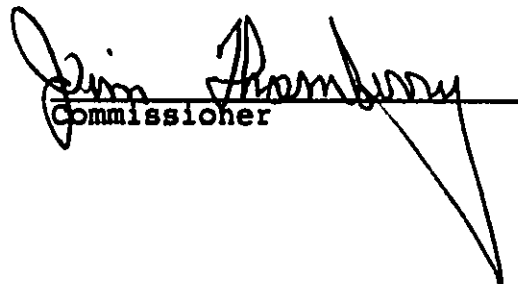
2. US Sprint shall, within 10 days of the date of this Order, to the extent that it has not previously done so, file an edited copy of the information with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 14th day of January, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director